

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANK DONOFRIO,	:	
Norristown, PA 19401	:	CIVIL ACTION NO. 18-599 (AB)
<i>on behalf of himself individually</i>	:	
<i>and on behalf of those similarly situated,</i>	:	ADEA COLLECTIVE ACTION
	:	
Plaintiff,	:	JURY TRIAL DEMANDED
	:	
v.	:	
	:	
IKEA US RETAIL, LLC	:	
f/k/a IKEA US EAST LLC,	:	
d/b/a IKEA	:	
	:	
Defendant.	:	

**PLAINTIFF'S MOTION TO PROCEED AS A COLLECTIVE ACTION PURSUANT TO 29
U.S.C. 216(b) AND TO FACILITATE NOTICE TO POTENTIAL PLAINTIFFS**

Plaintiff, Frank Donofrio, by and through his undersigned attorneys, hereby moves the Court for an Order permitting this litigation to proceed as a collective action pursuant to 29 U.S.C. §216(b) and to facilitate notice of the collective action to the potential opt in plaintiffs. In support of this Motion, Plaintiff relies on the brief filed herewith and the accompanying exhibits.

Respectfully submitted,

CONSOLE MATTIACCI LAW, LLC

By:



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Dated: October 5, 2018

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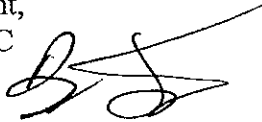
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Plaintiff,	:	
	:	
v.	:	
	:	
IKEA US RETAIL, LLC	:	
f/k/a IKEA US EAST LLC,	:	
d/b/a IKEA	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I, Brian Farrell, hereby certify that the foregoing Plaintiff's Motion To Proceed As A Collective Action Pursuant To 29 U.S.C. 216(b) And To Facilitate Notice To Potential Plaintiffs was served on October 5, 2018 by e-mail in accordance with the parties' agreement, upon:

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Brian Farrell

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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<i>and on behalf of those similarly situated,</i>	:	ADEA COLLECTIVE ACTION
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
IKEA US RETAIL, LLC	:	
	:	
Defendant.	:	

ORDER

WHEREFORE, upon consideration of the “Plaintiffs’ Motion To Proceed As A Collective Action Pursuant To 29 U.S.C. 216(b) And To Facilitate Notice To Potential Plaintiffs,” any response thereto filed by Defendant, and Plaintiff’s Reply Brief, said Motion is hereby GRANTED; and, further, it is hereby ORDERED that:

1. This case shall proceed as a collective action pursuant to section 29 U.S.C. 216(b), incorporated by the Age Discrimination in Employment Act, 29 U.S.C. 626(b), and any hourly retail employee currently employed by Defendant who, since January 20, 2016, was age 40 or over and rejected for promotion, shall have the right to opt in to the action (Count I) as a Plaintiff (“the Class”).
2. This case shall proceed as a collective action pursuant to section 29 U.S.C. 216(b), incorporated by the Age Discrimination in Employment Act, 29 U.S.C. 626(b), and any of those class members who were employed in 2015 and 2016 and subject to rating pursuant to Defendant’s performance/potential grid, shall have the right to opt in to the action (Count III) as a Plaintiff.
3. The parties shall meet and confer on an appropriate form of notice to members of the collective action and shall submit a proposed notice to the Court within fourteen (14) days of the entry of this Order.
4. Within fourteen (14) days of the entry of this Order, Defendant shall provide to Plaintiffs’ counsel the names, social security numbers, date of application and rejection for a promotion, and last known address and phone number(s) of each member of the Class.
5. Within fourteen (14) days of the Court’s approval of a form of notice, Plaintiffs’ counsel

shall send the notice to each member of the Class.

6. Within ninety (90) days of the mailing of the Notice, Plaintiffs' counsel shall file with the Court written intents of each individual who wishes to opt into the action as a Plaintiff.

Hereby Ordered:

The Honorable Anita B. Brody